

Assembly Bill No. 2219

CHAPTER 425

An act to amend Sections 14571.4 and 14581 of the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1996. Filed
with Secretary of State September 12, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2219, Mazzoni. Beverage containers: community conservation corps.

(1) Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Conservation to certify one operator to establish a pilot program, the Pacific Beach Pilot Mobile Recycling Program, incorporating all convenience zones in the Pacific Beach area of San Diego County. Existing law requires the department to submit a report on the pilot program to the Legislature by July 1, 1996. Existing law provides that the pilot program will remain in effect only until January 1, 1997.

This bill would extend the date for submittal of the pilot program report to the Legislature to April 11, 1997, and would provide that the pilot program remain in effect until January 1, 1998.

(2) Existing law requires a distributor of specified beverage containers to pay a redemption payment to the Department of Conservation, for each beverage container, as defined, sold or transferred, for deposit in the California Beverage Container Recycling Fund. The money in the fund is continuously appropriated to the department to pay refund values and for other purposes. After all expenditures have been made from the fund, the balance in the fund may be expended by the department for specified purposes, and from that balance the department may annually issue \$7,000,000 in grants, as adjusted for the cost of living, to certified community conservation corps, as defined, that meet specified criteria and are designated by a city, or a city and county, with a specified population, to perform litter abatement, recycling, and related activities.

This bill would additionally include, as eligible for those grants, community conservation corps that are designated by a county to perform litter abatement, recycling, and related activities, and are certified by the California Conservation Corps as meeting requirements concerning operation and other specified criteria, thereby making an appropriation.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 14571.4 of the Public Resources Code is amended to read:

14571.4. (a) (1) On and after January 1, 1995, and for a period not to exceed three years thereafter, the department shall certify one operator to establish the Pacific Beach Pilot Mobile Recycling Program, as a pilot program, incorporating all convenience zones in the Pacific Beach area of San Diego County.

(2) For the purposes of this section, “the Pacific Beach area of San Diego County” means the area designated in the Pacific Beach Community Plan.

(b) Notwithstanding Sections 14570 and 14571, for the duration of the pilot program, all convenience zones within the Pacific Beach area of San Diego County shall be considered served if all of the following conditions are met:

(1) The recycling center operator meets all of the following:

(A) The center is open for business at least once each week at each of five locations, three of which are within the existing convenience zones in the Pacific Beach area of San Diego County.

(B) The center is open for business at least eight hours per day at each location.

(C) The center agrees to accept, and pay the refund value for, all eligible beverage container types.

(D) The center is certified by the department for operation in at least five locations, each of which shall be approved by the department.

(2) All dealers within the Pacific Beach area of San Diego County post a clear and conspicuous sign of at least 10 inches by 15 inches at each public entrance to the dealer’s place of business, indicating the location, hours, and day of operation for each recycling location within the Pacific Beach area.

(c) A recycling center operator approved by the department, that meets the requirements of subdivision (b), shall be designated a certified recycling center and shall be eligible to apply for handling fees pursuant to Section 14585.

(d) As a condition of the continuation of the pilot program, within six months after the initiation of the pilot program, the total minimum monthly volume of beverage containers recycled by the recycling center operator at all sites combined within the Pacific Beach area of San Diego County shall be at least 120,000 containers per month.

(e) (1) On or before April 11, 1997, the department shall submit a report to the Legislature, and shall submit copies of the report to the appropriate policy committees of the Legislature, and, upon request, to any Member of the Legislature, on the effectiveness of the pilot program in meeting the goals of this division, together with a recommendation with regard to the continuance of the pilot program. The report shall include an evaluation of the effectiveness of the pilot program in avoiding increased vagrancy and crime adjacent to recycling locations and shall compare the effectiveness of the pilot program in providing convenient opportunities for beverage container recycling when compared to comparable communities which have convenience zone recycling.

(2) The law enforcement agency which has jurisdiction over the Pacific Beach area shall provide appropriate crime statistics and any other relevant information to the department so that the effectiveness of the pilot program in avoiding increased vagrancy and crime adjacent to recycling locations can be evaluated.

(f) If the department determines that it is necessary to adopt or revise regulations to implement this section, the regulations shall be adopted or revised as emergency regulations. The Office of Administrative Law shall consider these emergency regulations to be necessary for the immediate preservation of the public peace, health, and safety, and the general welfare for the purposes of Section 11349.6 of the Government Code. Notwithstanding the 120-day period provided for in subdivision (e) of Section 11346.1 of the Government Code, the emergency regulations shall be repealed 180 days from the effective date of the regulations.

(g) This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

SEC. 2. Section 14581 of the Public Resources Code is amended to read:

14581. (a) Subject to the availability of funds, the department may expend the money set aside in the fund, pursuant to subdivision (c) of Section 14580 for the purposes of this section, in the following order of priority:

(1) Eighteen million five hundred thousand dollars (\$18,500,000) may be expended, until January 1, 1999, for the payment of handling fees required pursuant to Section 14585.

(2) Five million dollars (\$5,000,000) may be expended, until January 1, 1999, for payments for curbside programs pursuant to Section 14549.6.

(3) (A) Seven million dollars (\$7,000,000), plus the proportional share of the cost-of-living adjustment, as provided in subdivision (b), may be expended in the form of grants issued to either of the following:

(i) Certified community conservation corps, that either exist currently, or that are formed at a future date, that are designated by a city or a city and county to perform litter abatement, recycling, and related activities, if the city or the city and county has a population, as determined by the most recent census, of more than 250,000 persons.

(ii) Community conservation corps, that are designated by a county to perform litter abatement, recycling, and related activities, and are certified by the California Conservation Corps as having operated for a minimum of two years and as meeting all other criteria of Section 14507.5.

(B) Any grants provided pursuant to this paragraph shall not comprise more than 75 percent of the annual budget of a community conservation corps.

(4) Two million dollars (\$2,000,000), plus the proportional share of the cost-of-living adjustment, as provided in subdivision (b), may be expended, in the form of grants to nonprofit organizations or governmental entities, as determined by the department.

(b) The nine million dollars (\$9,000,000) that is set aside pursuant to paragraphs (3) and (4) of subdivision (a), is a base amount that the department shall adjust annually to reflect any increases or decreases in the cost of living, as measured by the Department of Labor, or a successor agency, of the federal government.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to authorize in a timely manner an extension of time for the Department of Conservation to submit to the Legislature the report required pursuant to paragraph (1) of subdivision (e) of Section 14571.4 of the Public Resources Code, it is necessary that this act take effect immediately.